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**PATENT**

Attorney's Docket No: 11022US11 / 200-70.P4.C2

Applicant or Patentee: Marc D. Better, *et al.*

Serial or Patent No: 09/610,838

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For: FUSION PROTEINS AND POLYNUCLEOTIDES  
ENCODING GELONIN SEQUENCES**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ The owner of the small business concern identified below:
- ☒ An official of the small business concern empowered to act on behalf  
of the concern identified below:

NAME OF CONCERN XOMA CORPORATION

ADDRESS OF BUSINESS 2910 Seventh Street  
Berkeley, CA 94710

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention, entitled FUSION PROTEINS AND POLYNUCLEOTIDES ENCODING GELONIN SEQUENCES by inventor(s) Marc D. Better, *et al.*, described in:

009020-070600